

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO. 15808 OF 2022

Kanji Shivji & Co.

....Petitioner

Versus

Prime Properties Private Limited & Ors.

....Respondents

Mr. Jaydeep Thakkar a/w Adv. Renuka Negi for the Petitioner
Mr. Jaydeep Deo a/w Mr. Omprakash Vaishnav i/b Sumeet Kumar
Tyagi for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 9th MARCH 2023.

P.C. :

1. Rule. Rule made returnable forthwith. Heard finally at the admission stage.
2. The issue involved in this Writ Petition is Rent amount. It is contention of learned counsel for the Petitioner that the rent amount considered by the trial Court is on higher side it should be around 1500/- per month.
3. Learned counsel further submits that the trial Court has

considered the rent without recording any evidence. Hence, requested to allow the Writ Petition.

4. Learned counsel for the Respondent submits that Petitioner has to pay the rent for the suit premises. The trial Court after considering all aspects has fixed the rent of the premises at Rs. 2,557.82/-. Learned counsel further submits that on the admission given by petitioner the said rent amount is fixed by the trial Court. Hence no interfere in require in it.

5. I have heard both learned counsel, perused impugned order passed by the trial Court. The suit is pending since year 2009, if direction is given to the petitioner to deposit the rent of suit premises @ Rs.1500/- per month along with arrears within 15 days from today and if direction is given to the trial Court to expedite the suit and decide the rent of the suit premises on the basis of evidence of both the parties would meet the ends of justice.

6. In view of above, I pass following order.

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 29 October, 2021 is modified as under:

- i. "The petitioner shall deposit rent @ Rs.1500/- per month before the trial Court.
- ii. The Petitioner shall deposit the arrears of rent till today within 15 days after receipt of the order.
- iii. The trial Court shall decide standard rent of the suit premises on the basis of evidence led by the both parties. All contentions of both the parties are kept open.
- iv. The respondent can file application for withdrawal of the amount before the trial Court. The trial Court may decide it, on its own merit.
- v. The trial court is requested to decide the pending suit as early as possible preferably within eight months.

(S. G. DIGE, J.)